

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:06 CV 163**

| | | |
|---------------------------------------|---|--------------|
| GARDEN CITY BOXING CLUB, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| MCRE ENTERPRISES, INC., d/b/a |) | |
| MINGLE’S and GLORIA W. HINSON |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

THIS MATTER IS BEFORE THE COURT on Plaintiff’s motion for “Entry of Default” (Document No. 7) filed July 13, 2006 and Defendants’ “Answer” (Document No. 9) filed July 24, 2006. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b) and is now ripe for disposition.

Having fully considered the arguments, the record, and the applicable authority, the undersigned will deny Plaintiff’s motion. Inasmuch as Defendants’ “Answer” contains motions to dismiss, the undersigned will deny the motions without prejudice to refile consistent with Local Rule 7.2.

IT IS, THEREFORE, ORDERED that Plaintiff’s motion for “Entry of Default” (Document No. 7) is **DENIED**.

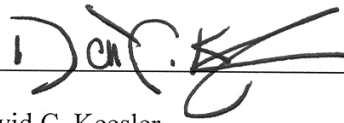
IT IS FURTHER ORDERED that Defendants’ motions to dismiss (Document No. 9) are **DENIED** without prejudice.

IT IS FURTHER ORDERED that Defendants shall file an executed consent/denial form regarding magistrate jurisdiction pursuant to Local Rule 73.1 on or before **January 24, 2007**.

IT IS FURTHER ORDERED that the parties shall confer pursuant to Fed. R. Civ. Pro. 26(f) and Local Rule 16.1 and then file, jointly if possible, a report of initial attorneys's conference and proposed discovery plan on or before **January 31, 2007**.

SO ORDERED.

Signed: January 8, 2007



David C. Keesler
United States Magistrate Judge

